

REMARKS

I. Summary of the Examiner's Action

A. Claim Rejections

As set forth on page 2 of the October 16 Office Action, claims 1 – 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

As set forth on page 3 of the October 16 Office Action, claims 1, 3 – 5, 7 – 8, 10 – 11, 17 – 19, 21 – 22, 24 – 28, 30 – 32 and 34 – 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,054,943 B1 to Goldzsmidt et al. (hereinafter “Goldzsmidt” or “the Goldzsmidt patent”).

As set forth on page 12 of the October 16 Office Action, claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Goldzschmidt patent.

These rejections are respectfully disagreed with, and are traversed below.

II. Applicants' Response – Claim Rejections

A. Rejection of Claims 1 – 35 under 35 U.S.C. § 112, second paragraph

Applicants have amended the independent claims, thereby obviating the rejection of the claims on this basis. Applicants respectfully request that the rejection of the claims on

this basis be withdrawn.

B. Rejection of Claims 1, 3 – 5, 7 – 8, 10 – 11, 17 – 19,
21 – 22, 24 – 28, 30 – 32 and 34 – 35 under 35 U.S.C. § 102(e)

Applicants reproduce claims 1 and 27 here as a convenience to the Examiner
(emphasis added):

1. A method for service provisioning a customer with at least one software application from a service provider, comprising steps of:
establishing a set of attributes of a service provision;
displaying the set of attributes using a graphical user interface,
receiving selections from said set of attributes entered using the graphical
user interface, the selections defining a Service Level Agreement (SLA) with the service provider, wherein the SLA comprises a plurality of constraints; and
provisioning a service for at least one client computer of the customer in accordance with constraints imposed by the SLA.

27. A data processing system for service provisioning a customer with at least one software application from a service provider, said service provider and said customer being coupled together through a communication network, said system comprising:

a system management server for establishing a set of attributes of a service provision; and
a customer interface for selecting from said set of attributes for
defining a Service Level Agreement (SLA) with the service
provider, said system management server being responsive to

said SLA for provisioning at least one client computer of the customer in accordance with constraints imposed by the SLA.

Applicants have amended the other independent claims to recite subject matter similar to that recited in claim 27 which appeared in the application as filed. No new matter has been added by these amendments. In particular, an important aspect of Applicants' invention is allowing a service user to select from an available group of services provided by a service provider in such a way so that the service user may see what service options are available and select them. Applicants submit that the Goldszmidt patent neither describes nor suggests the emphasized subject matter which is directed to this aspect of Applicants' invention. If the Examiner disagrees, Applicants respectfully request that the Examiner identify with particularity where in the Goldszmidt patent the emphasized subject matter appears. It is expected that the Examiner will be unable to do so.

In view of the foregoing, Applicants submit that independent claims 1, 25 – 27 and 35 are patentable over the art of record. Applicants therefore respectfully request that the rejection of independent claims 1, 25 – 27 and 35 be withdrawn. Applicants respectfully request the rejection of dependent claims 3 – 5, 7 – 8, 10 – 11, 17 – 19, 21 – 22, 28, 30 – 32 and 34 be withdrawn as well both since these claims depend from allowable base claims and for reasons having to do with their independently-recited features.

C. Rejection of Claim 2 under 35 U.S.C. § 103(a)

Claim 2 is allowable as depending from an allowable base claim 1. In addition, the Goldzmidt patent is only available under 35 U.S.C. § 102(e). The relied-upon subject matter and the invention set forth in claim 2, were, at the time the invention was made, owned by the same person and subject to an assignment to the same person, respectively. As a result, Applicants respectfully submit that 35 U.S.C. 103(c)(1) applies, which indicates that the such subject matter will not preclude patentability of the invention.

Applicants therefore respectfully request that the rejection of claim 2 be withdrawn.

III. Conclusion

The Applicants submit that in light of the foregoing amendments and remarks the application is now in condition for allowance. Applicants therefore respectfully request that the outstanding rejections be withdrawn and that the case be passed to issuance.

Respectfully submitted,

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Date

David M. O'Neill (35,304)

David M. O'Neill (Reg. No. 35,304)

Customer No.: 29683

HARRINGTON & SMITH, LLP

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203)925-9400

Facsimile: (203)944-0245

email: DOneill@hspatent.com

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March 17, 2008

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David M. O'Neill

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